

Duane Morris

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December 9, 2011

BY HAND

Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 525
New York, NY 10007-1312

MEMO ENDORSED

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**Re: Stanley Madaloni v. Mada Design, Inc.,
Civil Action No. 11 CIV 5086 (RMB)/(DCF)**

Your Honor:

We are counsel to Stanley Madaloni, the plaintiff in this transaction. This week, counsel for the defendant Mada Design, Inc. wrote Magistrate Judge Debra Freeman that it was contemplating dissolution or bankruptcy.

In light of this development, we are concerned about the collectability of our claim against Mada Design, Inc., which revolves around an Employment Agreement between our client and Mada Design. The Employment Agreement defines Mada Design to include its affiliates, a term that most certainly includes Iverco Inc., which we understand to be the sole shareholder of Mada Design. In light of Mada Design's apparent recent misfortune, we would ask this Court to allow us to re-amend the Complaint to include Iverco as a defendant. Since Iverco is bound by the terms of the Employment Agreement, no further discovery will be necessary.

Very truly yours,


Anthony J. Costantini

AJC/gg

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cc: Hon. Debra Freeman
Marc S. Wenger, Esq. (via e-mail)
David R. Ehrlich, Esq. (via e-mail)
Keith D. Greenberg, Esq.

Defendant to respond by	
12/19/11.	
SO ORDERED:	<u>Richard M. Berman</u>
Date: <u>12/12/11</u>	
Richard M. Berman, U.S.D.J.	